

REMARKS

In the Office Action, the Examiner indicated that claims 1 through 17 are pending in the application, that claims 4, 6-11, 14 and 16 are withdrawn, and that claims 1-3, 5, 12, 13, 15, and 17 are rejected.

Objections to the Disclosure and Claims

On page 2 of the Office Action, the Examiner objected to the disclosure for various informalities. Applicant has amended the disclosure as suggested by the Examiner. Also on page 2, the Examiner objected to claims 1-3, 5, 12, 14, 15, and 17 because, in independent claims 1, 12 and 13, the Examiner asserts that it is not clear whether the switch device is being claimed in combination with a vehicle and an engine, or if the vehicle and engine are only being claimed inferentially.

Applicant has amended claims 1, 12, and 13 to remove completely the recitation of the vehicle. As for the use of the term “engine” in the preamble, the switch of the claimed invention includes a push button switch pushed to start or stop an engine. The preamble, when read in the context of the entire claim, recites limitations of the claim, and thus the claim is proper. See M.P.E.P. 2111.02.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the objection to the disclosure and claims.

Rejections under 35 U.S.C. §§102 and 103

On page 3 of the Office Action, the Examiner rejected claims 1, 3, and 12 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,956,983 to Okamura et al. ("Okamura"), and rejected claims 1 and 12 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,751,991 to Tamukai ("Tamukai").

On page 4 of the Office Action, the Examiner rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Okamura in view of U.S. Patent No. 1,748,255 to Tibbetts ("Tibbetts"), and rejected claims 2, 13, 15, and 17 under 35 U.S.C. §103(a) as being unpatentable over Tamukai in view of U.S. Patent No. 5,982,295 to Goto et al. ("Goto").

The Present Invention

The present invention is a switch device for starting and stopping an engine. The switch device includes a key cylinder having a key slot, and a push button switch that surrounds the key slot. The push button switch is pushed inward to start or stop the engine, and when pushed inward in the described manner, the push button moves independently of the key cylinder.

U.S. Patent No. 4,956,983 to Okamura et al.

U.S. Patent No. 4,956,983 to Okamura et al. ("Okamura") teaches a locking apparatus, in which a key is required only to cancel a locked state. It is designed for use on the trunk of a vehicle, so that a user of the vehicle may lock the trunk without a key, but the trunk cannot be opened unless a key is present. Of relevance to the present invention is an operation

member 3 which includes a key rotor 7 housing a slit-like keyhole 9. The operation member forms a push button, and when the push button is pushed, the rotor 7 and keyhole 9 (the entire key mechanism) moves inward with the push button.

U.S. Patent No. 6,751,991 to Tamukai

U.S. Patent No. 6,751,991 to Tamukai (“Tamukai”) teaches a steering lock device which includes a knob 24 attached to a key cylinder 20. Of relevance to the present invention is that pushing of the knob 24 inward also causes the key cylinder 20 to move inward, which unlocks a steering lock and readies the vehicle for starting. Starting of an engine in which the steering lock device of Tamukai is used requires turning of the knob 24 to effect the starting of the vehicle.

The Cited Prior Art Does Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *prima facie* Case of Anticipation

As noted above, the present claimed invention includes a switch device for starting and stopping an engine, wherein application of a pushing force to the push button moves the push button inward independent of inward movement of the key cylinder. When starting of the

engine is authorized, the action of pushing the button inward causes the engine to be started.

This is neither taught nor suggested by any of the references.

The push button of Okamura does not start or stop an engine and is simply a trunk lock. Further, when the push button of Okamura is pushed inward, the key rotor 7 and keyhole 9 all move inward with the push button. Likewise, when the knob 24 of Tamukai is pushed inward, the key cylinder 20 also moves inward. Further, for the mechanism of Tamukai to be used to start a vehicle, the knob must be turned, i.e., the pushing of the push button does not start the vehicle.

The structure of the claimed invention provides many benefits. First, since the engine can be started with either the push button or with a key, a user who normally uses the push button switch to start the engine would be able to easily locate the key slot. Conversely, a user who normally uses the key cylinder to start the engine would be able to easily locate the push button. Further, the stationary nature of the key cylinder prevents a user who accidentally touches both the push button and the key cylinder at the same time with the palm of his or her hand from moving the push button. This prevents accidental starting of the vehicle using the push button. Many other benefits are described in the specification, none of which can be achieved by either Okamura or Tamukai.

The addition of Tibbetts and Goto does not render the claimed invention obvious. Neither Tibbetts nor Goto teach or suggest modification of a switch device whereby a push button switch surrounds a key cylinder having a key slot, and wherein the application of a pushing force to the push button moves the push button inward independent of inward

movement of the key cylinder. Without such teaching or suggestion, the addition of Tibbetts and Goto cannot render the claimed invention obvious.

For the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims under 35 U.S.C. §§102 and/or 103.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

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Date


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